

REMARKS/ARGUMENTS

Applicants have amended Claims 1, 11, 23 and 24. No new matter was added by these amendments. Claims 1-9, 11-19 and 21-26 remain in this application. Applicants request reconsideration of this application in view of the above amendments and these remarks and arguments.

Embodiments of the invention as claimed in independent Claims 1, 11, 23 and 24 all include limitations directed to a mobile router having two or more mobile nodes behind it, wherein a step is performed of determining that the mobile router “is configured to perform local routing of at least one datagram from [a] first mobile node [to a] second mobile node . . . [both nodes having a] care-of address that is known to the mobile router, without the at least one datagram being tunneled through a mobility server”. Applicants submit that these limitations are not disclosed in any one reference or combination of references cited by the Examiner as argued in detail below. Therefore, Applicants request that the Examiner remove all of the current rejections and let this case proceed to allowance.

The Examiner has rejected Claims 1-5, 9 and 23-25 under 35 U.S.C. 102(e) as being anticipated by Tsirtsis (US 2004/0148428). Applicants traverse these rejections. MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim

Regarding Claims 1-5, 9 and 23-25, the Examiner asserts that Tsirtsis anticipates (i.e., discloses all elements of) Appellants' claimed invention (Office Action, November 2, 2005, pages 2-3). It is noted that the Examiner's reliance upon Tsirtsis appears to be misplaced.

Described by Tsirtsis is protocol used in a system that includes at least a home agent and a foreign agent or an end node communicating with the home agent. All three entities support either one or both version of Mobile IPv4 and Mobile IPv6. Tsirtsis further discloses a protocol that that can be used by a home agent to create a single tunnel (instead of two separate tunnels) using either Mobile IPv4 or Mobile IPv6 and to communicate both Mobile IPv4 and Mobile IPv6 packets over that single tunnel. (See Para. [0006] "In order to increase system flexibility it would be beneficial to Mobile IPv4 and Mobile IPv6 signaling between a home agent node and a foreign agent node could be supported without having to establish separate Mobile IPv4 and Mobile IPv6 tunnels between a mobile node's home agent and foreign agent."; Para. [0014] "In accordance with one feature of the invention, messages used to establish a tunnel . . . between a home agent and either a foreign agent or end node such as a mobile node. . ."

Tsirtsis discloses how the home agent (FIG. 4) is physically configured to support its disclosed protocol. In addition, Tsirtsis gives two examples (by reference to figures 5 and 6) of the signaling associated with implementing the disclosed system and protocol, with a home agent (550) being involved in the signaling to an access node in both examples. With respect to FIG. 5, "the home agent creates an IPv4 tunnel 512 with source the address being its own home agent IPv4 address the destination address the IPv4 care-of address" (Para. [0038]). This tunnel 512 facilitates "IPv4 packets 520 and/or IPv6 packets 530 [being] encapsulated in IPv4 tunnel 512 by the home agent node 550 and sent to node 540" (Para. [0038]). The example described by reference to FIG. 6 is essentially identical, except that the tunnel created by the home agent is an IPv6 tunnel 612 (Para. 0040). Tsirtsis again makes clear in yet another paragraph that the "IPv4 and IPv6 tunnels 512, 612 of FIGS. 5 and 6 are set in the direction of Home Agent 550 to node 540"

([Para. [0041]). Accordingly, the Tsirtsis reference requires home agent participation in the routing. Therefore it fails to disclose any aspects of local routing by a mobile router *without the locally routed datagram(s) being tunneled to a mobility server*, such as a home agent, as is claimed in all of the independent Claims 1, 11, 23 and 24.

Therefore, since limitations are missing from the Tsirtsis reference, a rejection of Claims 1-5, 9 and 23-25 under 35 U.S.C. § 102(e) is improper and should be withdrawn.

The Examiner has further rejected Claim 6-8 under 35 U.S.C. 103(b) as being unpatentable over Tsirtsis in view of Perkins, et al. (Route Optimization in Mobile IP). Applicants traverse these rejections. To establish a *prima facie* case of obviousness, and hence to find Claims 6-8 unpatentable under 35 U.S.C. § 103(a) over the combination of Tsirtsis and Perkins, et al., three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not be based upon applicant's disclosure. MPEP at § 2142.

Applicants submit that the combined teachings of Tsirtsis and Perkins, et al. fails to teach or suggest all of the limitations recited in Claim 1 (and included by dependency in Claims 6-8), namely determining that a mobile router “is configured to perform local routing of at least one datagram from [a] first mobile node [to a] second mobile node . . . [both nodes having a] care-of address that is known to the mobile router, without the at least one datagram being tunneled through a mobility server”. Applicants have argued above why the Tsirtsis reference does not disclose these limitations. Applicants further submit that the Perkins reference likewise does not teach or suggest such limitations. Perkins, et al. discloses a correspondent node that may itself be configured to directly tunnel its own datagrams to a mobile node's care-of address. Thus, there's no aspects of a

mobile router being configured for local routing from one mobile node to another mobile node, both having care-of addresses known to the mobile node.

Therefore, since limitations are missing from the combined teachings of the Tsirtsis and Perkins, et al. references, a rejection of Claims 6-8 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

The Examiner has further rejected Claims 11-19, 21-22 and 26 under the same rational as Claims 1-9 and 23-25 on page 7 of the Office Action. Therefore, Applicants request that the Examiner likewise withdraw rejections to these claims based on their arguments above with respect to Claims 1-9 and 23-25.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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